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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,623	12/15/2000	Angelo Rizzardi	1999US001	2169

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CLARIANT CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
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CHARLOTTE, NC 28205

EXAMINER

KUMAR, PREETI

ART UNIT PAPER NUMBER

1751

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/738,623

Applicant(s)

RIZZARDI ET AL.

Examiner

Preeti Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16-32 and 35-50 is/are pending in the application.
- 4a) Of the above claim(s) 40-50 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31, 32 and 39 is/are allowed.
- 6) ☒ Claim(s) 16-30 and 35-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 16-32 and 35-50 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Final Rejection***

1. Claims 16-32 and 35-50 are pending. Claims 39-50 are newly added in the amendment submitted May 3, 2004. Claims 16, 31, 35, 37, 38, 40 and 45 are independent.

### ***Election/Restrictions***

2. Restriction to one of the following inventions is required under 35 U.S.C.

121:

- I. Claims 16-32, 35-39 drawn to a composition for pre-treating a cellulosic or cellulose blends with synthetic fiber, and to a textile treated by said composition, classified in class 8, subclass 116.1.
- II. Claims 40-50 drawn to an activating compound, classified in class 252, subclass 102.

3. Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are different compounds for treating textiles comprising different components. Because these inventions are distinct the search required for Group II is not required for Group I thus, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Anthony Bisulca on August 5, 2004 a provisional election was made with traverse to prosecute the invention of group I, claims 16-32 and 35-39. Affirmation of this election must be made by applicant

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in replying to this Office action. Claims 40-50 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Response to Amendment***

5. The rejection of claims 16-22, 26-28 and 35-38 under 35 U.S.C. 103(a) as being unpatentable over Bragg (US 4,430,243) is maintained for the reasons recited in the previous office action and further explained below.

6. The rejection of claims 29-30 under 35 U.S.C. 103(a) as being unpatentable over Bragg in view of Kravetz et al. (US 4,025,453) is maintained for the reasons recited in the previous office action and further explained below.

7. The rejection of claims 23-25 under 35 U.S.C. 103(a) as being unpatentable over Bragg in view of Chapple et al. (US 5,536,441) is maintained for the reasons recited in the previous office action and further explained below.

***Response to Arguments***

8. Applicant's arguments filed May 3, 2004 have been fully considered but they are not persuasive. Applicants urge that Bragg does not teach or suggest NaOH as a constituent in the composition and instead teaches its utility to hydrolyze a polymer. Although, NaOH is not taught as a separate constituent, it is not through hindsight that one of ordinary skill in the art would be motivated to formulate a composition comprising sodium hydroxide in a textile treatment bath composition, since Bragg suggests the utility of sodium hydroxide in a composition for treating textile.

***Allowable Subject Matter***

9. Claims 31-32 and 39 are allowable upon consideration of applicants' information disclosure statement and consideration of the prior art. The prior art most pertinent to the instant claims is Bragg (US 4,430,243). The instant claim is drawn to a composition comprising an activating compound formed of a mixture of urea and copper gluconate. Bragg does not specifically teach the claimed composition comprising an activating compound formed of a mixture of urea and copper gluconate and it would not have been obvious to one of ordinary skill in the art to treat the textile with a composition comprising an activating compound formed of a mixture of urea and copper gluconate, since the prior art teaches a peroxygen bleaching agent and a catalyst system comprising a heavy metal cation of defined bleach catalytic activity, particularly copper cations, an auxiliary metal cation having little or no bleach catalytic activity, particularly zinc or aluminum cations, and a sequestrant. None of the prior art of record specifically teach or suggest the claimed composition comprising an activating compound formed of a mixture of urea and copper gluconate.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory

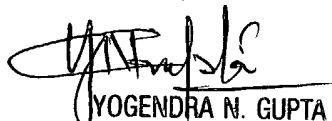
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period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 571-272-1320. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
(YOGENDRA N. GUPTA  
SUPERVISORY PATENT EXAMINER  
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Preeti Kumar  
Examiner  
Art Unit 1751

PK